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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/496,983	02/02/2000	Mitsunobu Ono	P/16-253	6940

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EXAMINER

AN, SHAWN S

ART UNIT

PAPER NUMBER

2613

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/496,983

Applicant(s)

ONO ET AL.

Examiner

Shawn S An

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. As per Applicants' instructions as filed on 8/2/04, claim 1 has been amended.

Response to Remarks/Argument

2. Applicants' arguments with respect to amended claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3 and 5-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yabe et al (4,845,555) in view of Kato (4,831,444).

Regarding claim 1, Yabe et al discloses an endoscope apparatus, comprising:

an endoscope portion (1) including a part that is insertable into a body or object having internal parts that require imaging;

a separate video processor (2) having the endoscope portion and the video processor being removably connected to a connector (inherency emphasized);

a first drive signal generator (Fig. 10, 14) for generating a drive signal from a signal source (13) for driving an imaging device (9) located in the endoscope portion (Fig. 10);

a video signal extracting portion (16) for obtaining a first video signal included in an imaging signal obtained in the imaging device (9);

a second drive signal generator (17) for generating a second drive signal for controlling a timing when the video extracting portion obtains the first video signal;

a first processor (19) located in the video processing housing (2) includes as part of the first processor and at least part of a circuit for obtaining from the first video signal, a second video signal that can be displayed on a monitor (3); and

a delay circuit (34), which is placed directly after the signal source (13) and the first drive signal generator (14), for delaying at least part of signals among signals included in the first drive signals (14) and the second drive signals (17).

Yabe et al's delay circuit is not included as part of the first (video) processor and at least partially interposed between the signal source and the first drive signal generator.

A difference between the Applicants' claimed invention and the Yabe et al's reference is that the delay circuit is partially interposed between the signal source and the first drive signal generator in Applicants' claim 1, whereas the delay circuit of Yabe et al is placed directly after the signal source (13) and the first drive signal generator (14).

Furthermore, Kato teaches an endoscope comprising delay circuits (36) in various embodiments, which is included as part of the first processor (12) and at least partially interposed between the signal source (Fig. 16B, 32) and the first drive signal generator (22), for delaying at least part of signals among signals included in the first drive signals and the second drive signals (Fig. 16B).

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing an endoscope apparatus as taught by Yabe et al to incorporate the Kato's teachings as above so that the delay circuit, which would be included as part of the first processor and at least partially interposed between the signal source and the first drive signal generator, for delaying at least part of signals among signals included in the first drive signals and the second drive signals as an efficient way to compensate for deterioration of signal during transmission of image data.

Regarding claim 2, the Examiner takes official notice that DSP is an electronic component that is well known in the art.

Regarding claims 3 and 5, Yabe et al teaches a second processor for setting a delay time of the delay circuit (col. 3, lines 32-45).

Furthermore, the Examiner takes official notice that a delay circuit varying in its delay time, such as in a remote/manual/set controlled delay, is well known in the art.

Regarding claims 6 and 7, the Examiner takes official notice that setting a timer or an user manually specifying delay time on a conventional switches is well known in the art. Therefore, it is considered an obvious variation to specify delay time or to set information which the delay time can be derived, so that the second processor are able to set the delay time depending on the condition of the switch for correction of the line delay.

Regarding claims 8 and 12, Yabe et al teaches delay time being derived from information indicating length of an insert portion of the endoscope (col. 8, lines 51-55).

Regarding claims 9 and 13, Yabe et al discloses the information from which the delay time can be derived including ID information for identifying a type of endoscopes (col. 2, lines 5-20; col. 3, lines 36-40).

Regarding claims 10 and 11, an information acknowledgment portion, such as a typical (auto) confirmation signal, are considered an obvious feature, so that the second processor sets the delay time depending on information acknowledged from the information acknowledgment portion.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yabe et al and Kato as applied to claim 3 above, and further in view of Pasqualini (6,397,374 B1).

Regarding claim 4, the combination of Yabe et al and Kato fails to disclose the delay circuit comprising a multistage buffer circuit connected in series, and a circuit for selecting the number of stages of the buffer circuit.

However, Pasqualini teaches conventionally well known delay circuit comprising a multistage buffer circuit connected in series (Fig. 6), and a circuit for selecting the

number of stages of the buffer circuit (col. 8, lines 52-67) in order to vary the delay timing.

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing an endoscope apparatus as taught by Yabe et al to incorporate the teaching of the delay circuit comprising a multistage buffer circuit connected in series, and the circuit for selecting the number of stages of the buffer circuit as taught by Pasqualini et al as an effective way to vary the delay time in order to correct line delay signal with an accuracy.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to *Shawn S An* whose telephone number is 703-305-0099. The Examiner can normally be reached on Flex hours (10).

8. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2613

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SSA

Primary Patent Examiner

1/23/05